

Appl. No. 10/509,130

**Remarks/Arguments**

The Abstract has been amended to more clearly summarize the present invention. The Specification has also been amended, namely to include section headings. Further, the claims have been amended to more clearly reflect the present invention. Even in light of these amendments, no new matter has been added. It would be appreciated if the Examiner would indicate the acceptance of this amendment in the next office communication.

Claim Rejections - 35 USC § 112

The Examiner has rejected claims 1-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the present invention. Accordingly, claims 1-6 have been amended, as discussed in detail below, and thus, withdrawal of this rejection is respectfully requested.

With regard to claim 1, the word "fixed" has been replaced with the word "attached." Since the glasses are merely "attached" to the frame, as opposed to being "fixed" to the frame, the glasses can be adjustable relative to the frame via the attachments. Thus, amended claim 1 properly recites the

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proper structural orientation of the components of the spectacles, while setting forth the adjustable feature of the lenses relative to the frame.

With continued referenced to claim 1, the phrase "a correct distance" has been moved from claim 1 to claim 2 and replaced with "a predetermined distance," in accordance with page 5 of the WO publication. Claim 1 has been further amended to more clearly set forth the characteristics of the formable material of the frame.

To further clarify the invention of claim 1, all of the "which" terms have been deleted so that each descriptive phrases are clearly associated with the proper structural element. Also, the preamble of claim 1 has been changed from "an improvement in or relating to spectacles" to "an improvement relating to spectacles" so that it is clear that the frame is part of the spectacles.

With specific reference to claim 2, claim 2 has been amended to make the limitations more clear and to eliminate any redundancy with limitations already recited in claim 1. Further, the attachments set forth in claim 2 can properly include magnets to adjust the position of the glasses with respect to the frame. For example, washers can be placed between the magnets and the

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frame to adjust the position of the glasses and the frame.

With regard to claim 3, the term "side shield" has been changed to "shield" to more accurately describe the structural element. Also, the word "preferably" has been omitted to make the claim definite.

Lastly, with regard to claims 5 and 6, claim 5 has been amended to eliminate any conflict with claim 1, from which it depends. Claim 6 has also been amended to include structural language to make the claim definite.

#### Claim Rejections - 35 USC § 102

The Examiner has rejected claims 1-6 under 35 U.S.C. § 102(e) as being anticipated by Pyo (US 6,761,447). However, the effective date of the present application is before the critical reference date of the Pyo patent, as discussed below. Thus, withdrawal of this rejection is respectfully requested.

The Pyo patent was filed on June 3, 2003, and claimed the benefit of a provisional application filed on June 4, 2002. Since the Pyo patent did not result directly or indirectly from an international application filed before November 29, 2000, the current version of 35 U.S.C. §102(e) reflecting the changes made

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by the American Inventors Protection Act of 1999 and the Intellectual Property and High Technology Technical Amendments Act of 2002 applies. Thus, the critical date of the Pyo reference is June 4, 2002.

The present application is a US national phase of application resulting from an international application filed on March 28, 2003. The international application claims the benefit of a Swedish application filed on March 28, 2002. Since an English translation, including a verified statement of translation, is submitted herewith, the present application is entitled to a foreign priority claim to the Swedish application under 35 U.S.C. § 119. Thus, the effective date of the present application is March 28, 2002. Since the March 28, 2002, effective date is before the June 4, 2002, critical reference date of the Pyo patent, withdrawal of the 35 U.S.C. § 102(e) rejection is respectfully requested.

In view of the foregoing, reconsideration of the 35 U.S.C. § 102(e) rejection is respectfully requested and favorable consideration and allowance of the claims solicited. Should the Examiner have any questions regarding this response, the amendments submitted herewith, or the allowability of the claims, it would be appreciated if the Examiner would contact the

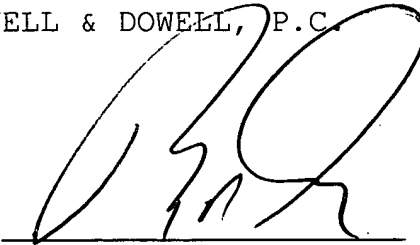
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undersigned attorney of record at the telephone number provided below for purposes of facilitating prosecution of this application and for scheduling an interview, if necessary.

Respectfully submitted,

DOWELL & DOWELL, P.C.

By

A handwritten signature in black ink, appearing to be 'R. A. Dowell', written over a horizontal line.

Ralph A. Dowell, Reg. No. 26,868

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